

BILL NO. G-75-04-10

GENERAL ORDINANCE NO. G-10-75

AN ORDINANCE amending General Ordinance No. G-97  
by authorizing the vacation of a certain street  
in the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been  
filed with the Fort Wayne City Plan Commission and resolution having been duly  
adopted by the Fort Wayne City Plan Commission on March 24, 1975 following a  
public hearing thereon, all in accordance with Section 44, Chapter 174 of the  
Acts of the General Assembly of the State of Indiana, as amended by Section 3,  
Chapter 385, of the Acts of 1963 of the General Assembly of the State of  
Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare  
Plan as set forth in General Ordinance No. G-97 adopted by the Common Council  
of the City of Fort Wayne on November 26, 1963, is amended by deleting the  
following public street in Fort Wayne, Allen County, Indiana, to-wit:

Toledo Street, extending east from the east  
right-of-way of Lafayette Street, to the west  
right-of-way of Monroe Street

SECTION 2. After passage of this Ordinance, approval by the Mayor  
and legal publication, a duly certified copy of this Ordinance, of the recommenda-  
tion of the Fort Wayne City Plan Commission, and of the action of the Mayor,  
shall be transmitted by the City Clerk to the Board of Public Works of the City  
of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from  
and after its passage, approval by the Mayor and legal publication thereof.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Kraus, seconded by V. Schmitz, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 4/8/75

Charles W. Tuttle  
CITY CLERK

Read the third time in full and on motion by Kraus, seconded by V. Schmitz, and duly adopted, placed on its passage. Passed ~~(lost)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>X</u>				
HINGA	<u>X</u>				
KRAUS	<u>X</u>				
MOSES				<u>X</u>	
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 4-22-75

Charles W. Tuttle  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning-Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. B-10-75 on the 22nd day of April, 1975.

ATTEST:

(SEAL)

Charles W. Tuttle  
CITY CLERK

James Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1975, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Tuttle  
CITY CLERK

Approved and signed by me this 23rd day of April, 1975, at the hour of 2:00 o'clock P. M., E.S.T.

John P. Lutz  
MAYOR

Bill No. G-75-04-10

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending General Ordinance No. G-97 by authorizing the vacation of a  
certain street in the City of Fort Wayne

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do. PASS.

Eugene Kraus, Jr. - Chairman

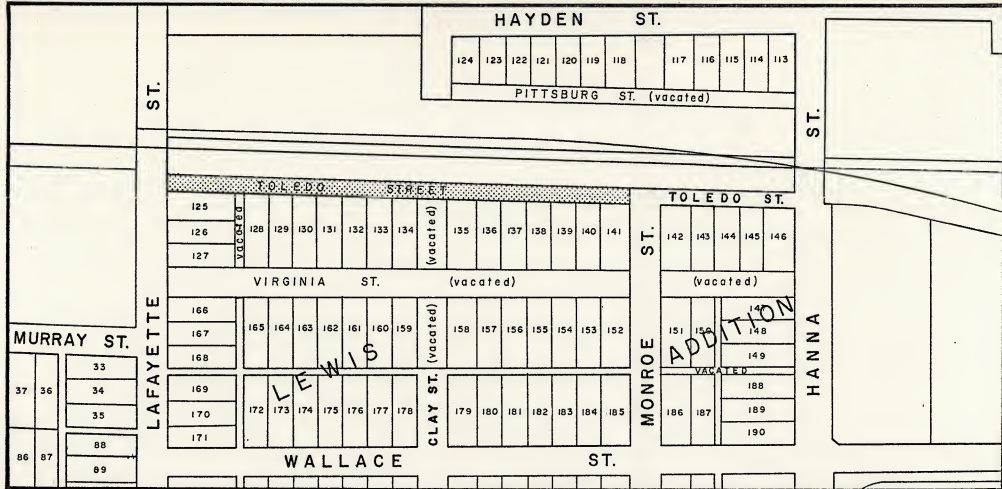
John Nuckols - Vice-Chairman

Vivian G. Schmidt

Paul M. Burns

Donald J. Schmidt

DATE 4-22-75 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK



PORTION OF STREET TO BE VACATED





## COMMUNITY DEVELOPMENT AND PLANNING

long range planning and zoning

March 25, 1975

### COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following street.

Toledo Street, extending east from the east right-of-way  
of Lafayette Street to the west right-of-way of Monroe  
Street

which was approved by the City Plan Commission at its regular meeting  
held March 24, 1975.

Respectfully Submitted

CITY PLAN COMMISSION

Certified and signed this  
25th day of March, 1975.

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Charles N. Hall  
Secretary



an equal opportunity employer

## R E S O L U T I O N

WHEREAS, The City of Fort Wayne, Indiana, by and through its Department of Public Works, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Allen County, Indiana, to-wit:

Toledo Street, extending east from the east right-of-way of Lafayette Street, to the west right-of-way of Monroe Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 24, 1975, 1975, at 7:30 P.M. (EST), and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street or alley;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described conforms to the General policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described be and the same is hereby approved;

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF ALLEN     )

I, Vivian G. Schmidt, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on Monday, March 24th, 1975, and as the same appears of record in the official records of said Plan Commission.

Dated this 24th day of March, 1975.

FORT WAYNE CITY PLAN COMMISSION

Vivian G. Schmidt  
Vivian G. Schmidt  
President

PETITION TO VACATE TOLEDO STREET

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The City of Fort Wayne, Indiana, by and through its Department of Public Works, does hereby petition the Plan Commission of the City of Fort Wayne to vacate the following street located within the City of Fort Wayne, Indiana, and described as follows:

Toledo Street, extending east from the east right-of-way of Lafayette Street, to the west right-of-way of Monroe Street.

Your petitioners represent:

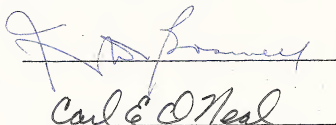
1. That no other person, firm, or corporation is interested in or affected by the requested vacation.
2. That street is not necessary as ingress or egress to any other property whatsoever.
3. That street is unopened and unimproved.
4. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 10th day of March, 1975.

CITY OF FORT WAYNE  
BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Carl E. O'Neal



## DIGEST SHEET

Number assigned by Dave Keller's office: # 3671

TITLE OF ORDINANCE Street Vacation Ordinance *D-75-04-10*DEPARTMENT REQUESTING ORDINANCE Community Development and PlanningSYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the  
following described street:Toledo Street, extending east from the east right-of-way of Lafayette Street  
to the west right-of-way of Monroe Street.EFFECT OF PASSAGE Street would be closed and utilized by abutting property  
owners.EFFECT OF NON-PASSAGE Street would remain dedicated, but unimproved  
and unopened.MONEY INVOLVED (Direct Costs, Expenditures, Savings) noneASSIGNED TO COMMITTEE (J.N.) *Legislation*



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN  
CITY CLERK

April 24, 1975

Miss Helen Libbing  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of April 28 and May 5, 1975, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

General Ordinance No. G-10-75  
Bill No. G-75-04-10  
Vacation of a certain street-  
Toledo Street

Please send us five (5) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Westerman".

Charles W. Westerman  
City Clerk

CWW/ne  
Encl: 1

Common Council of Fort Wayne  
(Governmental Unit)To NEWS-SENTINEL Dr.Allen County, Ind.FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

1

Body number of lines

102

Tail number of lines

2

Total number of lines in notice

105

## COMPUTATION OF CHARGES

105 lines, 1 column wide equals 105 equivalent lines at 288¢\$ 30.24

Charge for notices containing rule or tabular work (50 per cent of above

Extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 31.74

COST

Single column 11 ems

Size of type 5½ pointInsertions 2Size of quad upon which type is cast 5½

In and penalties of Ch. 89, Acts 1967,

The foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

V. E. Gerken19 75

Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken who, being duly sworn, says that She is Clerk of theNEWS-SENTINELDAILYa newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for twotime S the dates of publication being as follows:4/28 & 5/5/75Subscribed and sworn to before me this 5th day of May 19 75V. E. Gerken  
James S. Slier

Notary Public

My commission expires October 25, 1975

Notice is hereby given that on the 22nd day of April, 1975, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill No. G-75-64-10, G-10-75 General Ordinance, to-wit:

Bill No. G-75-64-10  
An ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain street in the City of Fort Wayne

Be it ordained by the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission and resolution having been duly adopted by the Fort Wayne City Plan Commission on March 24, 1975 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 52-744), the Theroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public street in Fort Wayne, Allen County, Indiana, to-wit:

Toledo Street, extending east from the east right-of-way of Lafayette Street, to the west right-of-way of Monroe Street.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Kraush  
Councliman

Read the third time in full and on motion by Kraush, seconded by V. Schmitt, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eligh, Burns, Hinds, Kraush, Nuckolls, D. Schmidt, V. Schmidt, Stier, Talarico.

Nays: None

Absent: None, Moses.

Date: 4-22-75

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-10-75 on the 22nd day of April, 1975.

ATTEST: (SEAL)

James S. Slier  
Presenting Officer,  
City of Fort Wayne, Indiana, on the 23rd day of April, 1975, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 23rd day of April, 1975, at the hour of 2:08 o'clock P.M., E.S.T.

Ivan A. Lebamoff  
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-10-75 passed by the Common Council on the 22nd day of April, 1975, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of April, 1975 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of April, 1975.

CHARLES W. WESTERMAN  
City Clerk

Common Council of Fort Wayne  
(Governmental Unit)To NEWS-SENTINEL Dr.Allen County, Ind.FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1  
102  
2  
105

## COMPUTATION OF CHARGES

105 lines, 1 column wide equals 105 equivalent lines at 288¢ cents per line\$ 30.24

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 31.74

## DATA FOR COMPUTING COST

Width of single column 11 emsSize of type 5½ pointNumber of insertions 2Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. GerkenDate May 5, 19 75Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken who, being duly sworn, says that he is Clerk of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time 8 the dates of publication being as follows:4/28 & 5/5/75Subscribed and sworn to before me this 5th day of May, 19 75V. E. Gerken  
Clarence C. Rasmussen  
Notary PublicMy commission expires October 25, 1975COPY OF  
MENT HERE

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head	number of lines	<u>1</u>
Body	number of lines	<u>102</u>
Tail	number of lines	<u>2</u>
Total number of lines in notice		<u>105</u>

## COMPUTATION OF CHARGES

105 lines, 1 columns wide equals 105 equivalent lines at \$28.40 per line \$30.24

charge for notices containing rule or tabular work (50 per cent of above)

extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$31.74

G COST

single column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

pen and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

19 75

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows: 4/28 & 5/5/75

Subscribed and sworn to before me this 5th day of May 1975

Notary Public

My commission expires October 25, 1975

COPY OF  
SENT HERE

Legal Notice  
Notice is hereby given that on the 22nd day of April, 1975, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill No. G-75-04-10, G-10-75 General Ordinance, to-wit:

General Ordinance No. G-75-04-10  
An ordinance amending General Ordinance No. G-77 by authorizing the vacation of a certain street in the City of Fort Wayne

Be it ordained by the Common Council of the City of Fort Wayne, Indiana: SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission and resolution having been duly adopted by the Fort Wayne City Plan Commission on March 24, 1975 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 53-744), the Thorburns Plan as set forth in General Ordinance No. G-77 adopted by the Common Council of the City of Fort Wayne on November 24, 1963, is amended by deleting the following public street in Fort Wayne, Allen County, Indiana, to-wit:

Tobacco Street, extending east from the east right-of-way of Lafayette Street, to the west right-of-way of Monroe Street.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Kraus  
Councilman

Read the third time in full and on motion by Kraus, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight, Burni, Hings, Kraus, Nuckolls, D. Schmidt, V. Schmidt, Siler, Talarico.

Nays: None  
Absent: One, Moses  
Date: 4-22-75

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-10-75 on the 22nd day of April, 1975.  
ATTEST: (SEAL)

Charles W. Westerman  
City Clerk

James S. Siler  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1975, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 23rd day of April, 1975, at the hour of 2:00 o'clock P.M., E.S.T.

Ivan A. Lebenoff  
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-10-75 passed by the Common Council on the 22nd day of April, 1975, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of April, 1975 and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of April, 1975.

CHARLES W. WESTERMAN  
City Clerk

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

102

2

105

## COMPUTATION OF CHARGES

105 lines, 1 columns wide equals 105 equivalent lines at .288¢ cents per line

\$20.24

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$31.74

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 5, 1975

Title ARVILLA DEWALD CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S., the dates of publication being as follows: 4/28 &amp; 5/5/75

Subscribed and sworn to before me this 5th day of May 1975

My commission expires October 25, 1975

Notary Public